

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STEPHEN M. FRIEDBERG : CIVIL ACTION
:
vs. :
:
:
MUTUAL HOLDINGS, LTD., ET AL. : NO. 02-3193

O R D E R

AND NOW, this ____ day of October, 2005, upon consideration of defendants' motion to compel production of documents (Document No. 49), plaintiff's response, and after oral argument thereon, **IT IS HEREBY ORDERED** that the motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Request No. 3. Plaintiff must make a representation as to whether his 1997 and 2000 federal and state tax returns included or did not include the dividends clearly declared and paid to him during those years, or produce the federal and state tax returns for the years 1997 and 2000 within ten days of the date hereof.

2. Request No. 14. Moot by agreement of counsel.

3. Request No. 15. Within ten days of the date hereof plaintiff shall produce to the court for *in camera* review a copy of the final Lewis affidavit signed by him. The court will disclose the affidavit to the defendants only upon the defendants' showing of a "substantial need" therefore in accordance with Rule 26(b)(3). In the event that the affidavit is at some point turned over to the defendants the court will protect against the disclosure of any mental impressions, conclusions, opinions or legal theories of plaintiff's counsel contained in the affidavit. The balance of the request is **DENIED**.

4. Request B.

A. Page 1 entry 5. Plaintiff agrees to produce.

B. Page 1 entry 10. The request is **DENIED**.

C. Page 2 entry 1. The request is **DENIED**.

D. Page 2 entry 5. The request is **DENIED**.

E. Page 2 entries 9-14. The requests are **DENIED**.

F. Page 3 entry 9. The request is **DENIED** as to the drafts of the affidavits except as to the final affidavit which will be reviewed *in camera* by the court, as aforesaid.

5. Request C. Request is **DENIED AS MOOT** by agreement.

s/William H. Yohn, Jr.

William H. Yohn, Jr., Judge